

EXHIBIT 150

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE (HARVARD
CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176

DECLARATION OF ERIN DRIVER-LINN

I, Erin Driver-Linn, hereby state under the penalty of perjury that the following statements are true and accurate to the best of my knowledge, and that I could testify to these matters if called to do so:

1. I am the Associate Provost for Institutional Research and Director of the Harvard Initiative for Learning and Teaching. I have been director of Harvard University's Office of Institutional Research ("OIR") since 2008. On August 15, 2018, I will join the T.H. Chan School of Public Health as Dean for Education.

2. OIR's work includes conducting analyses and responding to hundreds of requests per year to support the work of administrators, schools, and departments across Harvard University's 12 degree-granting schools and the Radcliffe Institute for Advanced Study.

3. On occasion, OIR prepares analyses relating to Harvard College. Harvard College Institutional Research, an office within the Faculty of Arts and Sciences, also conducts research and provides support for reporting initiatives relating to Harvard College.

4. Some of the work OIR conducts is in response to requests from administrators external to OIR. Time permitting, OIR employees may also undertake analyses on their own initiative, without a request from anyone else at Harvard.

5. Staff within OIR conducted a limited analysis of Harvard College's admissions process in early 2013.

6. The analysis relating to Harvard College admissions created by OIR employees in January 2013, entitled "Admissions Part II Subtitle," originated within OIR. *See* HARV00065741-65757.

7. The Admissions Part II Subtitle document was not created in response to a request from the Harvard College Office of Admissions.

8. The Admissions Part II Subtitle document was not created in response to a request from Harvard's Office of the General Counsel.

9. The Admissions Part II Subtitle document was not created in the course of an internal investigation into allegations of discrimination against Asian-American applicants or any other topic.

10. The analysis that was in the Admissions Part II Subtitle document was not designed to evaluate whether Harvard was discriminating against Asian-American applicants or any other group and reached no conclusion on that question.

11. The analysis that was in the Admissions Part II Subtitle document was preliminary and incomplete, as evidenced by the fact that the slides titled "Conclusions" and "Possible Explanations" were left blank, and by the fact that the title page says "Subtitle."

12. The Admissions Part II Subtitle document contained models that attempted to simulate how Harvard's admitted class might look under certain simplified admissions processes, such as an admissions process that considered only Academic Index and the Admissions Office's Academic Rating. *See* HARV00065750. Those models did not attempt to identify the particular effect of any one factor in Harvard's actual admissions process.

13. The Admissions Part II Subtitle document also included analysis that attempted to estimate the effects that various factors had on admissions decisions. *See* HARV00065748-49.

14. OIR staff recognized in the Admissions Part II Subtitle document that the dataset on which it relied was an incomplete representation of the factors considered by the Admissions Office when making admissions decisions. *See* HARV00065757. For example, OIR staff were not able to account for socioeconomic factors, factors concerning each applicant's high school, or a range of other information that could play a role in the admissions process.

15. In February 2013, I asked to meet with Dean Fitzsimmons to discuss OIR's recent work relating to Harvard College admissions. In preparation for that meeting, then-OIR employee Erica Bever compiled OIR's recent work on admissions into a single PowerPoint document. *See* HARV00031687 ("February 2013 OIR Document").

16. The February 2013 OIR Document was not created in response to a request from Harvard's Office of the General Counsel.

17. The February 2013 OIR Document was not created in the course of an internal investigation into allegations of discrimination against Asian-American applicants or any other topic.

18. The analyses contained in the February 2013 OIR Document were not designed to evaluate whether Harvard was discriminating against Asian-American applicants or any other group and reached no conclusion on that question.

19. The February 2013 OIR Document included analyses of the return of Early Action and the gender balance at Harvard College. It also reprised the models from the Admissions Part II Subtitle document that attempted to simulate how Harvard's admitted class might look under certain simplified admissions processes.

20. The models in the February 2013 OIR Document have the same limitations as those in the Admissions Part II Subtitle document. Indeed, the February 2013 OIR Document recognized that the admissions models were preliminary. The slide introducing the admissions models included a note that "[t]he following analysis is preliminary and for discussion." HARV00031718 (emphasis in original). The slide entitled "What have we learned?" explained that "[t]here are a variety of factors that quantitative data is likely to miss or ratings do not capture," and listed several factors used in the admissions process that OIR would like to better understand to make its analysis more accurate and more complete, including "[e]xceptional talent (music, art, writing)," "[t]he role of context cases," "[t]he role of the personal statement/essay," and "[m]easures of socio-economic status (HFAI Flag, Low Income Flag)." HARV00031722.

21. In April 2013, Dean Fitzsimmons requested that OIR analyze the effect of income on admissions decisions. Dean Fitzsimmons did not request analysis regarding the effect of race on admissions decisions.

22. In response, OIR employees conducted "an analysis to determine if the chance of admission is any different for low income students, holding all other admissions characteristics constant," and summarized the findings in a memorandum. *See* HARV00023547-23555 ("May 1, 2013 Memorandum").

23. The May 1, 2013 Memorandum was not created in response to a request from Harvard's Office of the General Counsel.

24. The May 1, 2013 Memorandum was not created in the course of an internal investigation into allegations of discrimination against Asian-American applicants or any other topic.

25. The analysis contained in the May 1, 2013 Memorandum was not designed to evaluate whether Harvard was discriminating against Asian-American applicants or any other group and reached no conclusion on that question.

26. The analysis of low-income applicants in the May 1, 2013 Memorandum relied on certain financial aid data submitted by applicants to the Classes of 2009-2016. Because only 49% of applicants submitted that portion of the financial aid application, the analysis relating to income in the May 1, 2013 Memorandum is limited to that subset of applicants. HARV00023548.

27. The May 1, 2013 Memorandum, like the Admissions Part II Subtitle document, used a logistic regression analysis with limitations. The May 1, 2013 Memorandum itself explained the limitations of that analysis, including that “[t]he selection of a wider set of variables [to include in a model] might result in a better fitting model,” and stated that the “analysis should not be considered exhaustive.” HARV00023548.

28. OIR staff conducted additional analyses of the effect of income on admissions decisions in 2013. That analysis was incorporated into a May 30, 2013 document entitled “Demographics of Harvard College Applicants.” HARV00069760 (“May 30, 2013 OIR Document”).


29. The May 30, 2013 OIR Document was not created in response to a request from Harvard’s Office of the General Counsel.

30. The May 30, 2013 OIR Document was not created in the course of an internal investigation into allegations of discrimination against Asian-American applicants or any other topic.

31. The analysis contained in the May 30, 2013 OIR Document was not designed to evaluate whether Harvard was discriminating against Asian-American applicants or any other group and reached no conclusion on that question.

32. The dataset used to create the analysis in the May 30, 2013 OIR document was, like the other datasets used by OIR to conduct its 2013 admissions analyses, limited and incomplete.

Executed on this day, July 26 2018


Erin Driver-Linn